

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EVAN MILLER,

No. C-13-0846 EMC

Plaintiff,

v.

**ORDER TO SHOW CAUSE**

SHEILA OLIVEIRA,

Defendant.

Plaintiff Evan Miller, proceeding pro se, initiated this lawsuit against Defendant Sheila Oliveira, who is also proceeding pro se. His primary claim is one for breach of contract, in which he asserts that Ms. Oliveira entered into a property settlement agreement in which she agreed to pay a certain amount of money to Larry Vigil and that Mr. Vigil subsequently assigned those rights to him. In response, Ms. Oliveira has filed a motion to dismiss in which she asserts that the agreement at issue had to do with spousal support obligations, that she completed those obligations, and that spousal support was terminated in July 2010 (by a state superior court). Ms. Oliveira contends that this is the third time that Mr. Miller and/or Mr. Vigil have tried to reinstate spousal support.


Mr. Miler failed to file an opposition to Ms. Oliveira's motion within the time provided for by the Civil Local Rules. **Accordingly, the Court hereby vacates the remainder of the briefing schedule on the motion to dismiss and further vacates the hearing set for May 16, 2013.**

In addition, the Court hereby orders Mr. Miller to show cause as to why this case should not be dismissed without prejudice based on his failure to prosecute. **Mr. Miller shall file a response to this order to show cause within three weeks of the date of this order. Mr. Miller is advised**

1 that his response must be *received* by the Clerk's Office by that date. Mr. Miller is also  
2 advised that, if he fails to make a timely response, then the Court shall order the Clerk of the  
3 Court to enter a judgment and close the file in this case.

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5 IT IS SO ORDERED.

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7 Dated: April 17, 2013

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10 EDWARD M. CHEN  
11 United States District Judge  
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